

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 5-22-02 Item: 3.f.

File Number
PDC 02-031

Application Type
Planned Development Rezoning

Council District
4

Planning Area
Berryessa

Assessor's Parcel Number(s)
092-41-106

STAFF REPORT

PROJECT DESCRIPTION Rezoning to allow up to 17 single-family detached and attached units on 1.2 gross acres.

Completed by: Caleb Gretton

Location: East side of North Capitol Avenue approximately 100 feet northerly of Autumnvale Avenue

Gross Acreage: 1.2

Net Acreage: 1.2

Net Density: 16 DU/AC

Existing Zoning: R-1-8 Residential

Existing Use: Vacant

Proposed Zoning: A(PD) Planned Development

Proposed Use: Single-family residential

GENERAL PLAN

Completed by: CG

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: CG

North: Multi-family residential

R-M Multi-Family Residential

East: Single-family residential

R-1-8 (PD) Planned Development Residential

South: Single-family Residential

R-1-8 (PD) Planned Development Residential

West: Industrial campus across North Capitol Avenue

IP Industrial Park

ENVIRONMENTAL STATUS

Completed by: CG

☐ Environmental Impact Report found complete on
☒ Negative Declaration circulated on May 1, 2002 to be adopted on May 22, 2002
☐ Negative Declaration adopted

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: CG

Annexation Title: Piedmont No.39

Date: 02/10/1972

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☐ Approval with Conditions

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/DEVELOPER/OWNER

Michael Hudson
Hudson Industrial Equities
3071 Payne Avenue #A,
San Jose, CA 95128

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: CG

Department of Public Works

See attached memorandum.

Other Departments and Agencies

See attached memoranda from Fire Department, Police Department and Environmental Services Department.

GENERAL CORRESPONDENCE

Letters from neighbors, Laura Attenmueller, Tuyet Nyo, and Janet Maleski

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Michael Hudson of Hudson Industrial Equities, is requesting a Planned Development Rezoning from R-1-8 Residential to A(PD) Planned Development to allow the development of up to 17 single-family attached and detached residential units on 1.2 gross acres.

The subject property has been unused for a number of years with an abandoned dog kennel on the site. There are a number of trees and unkempt vegetation on the property to be removed as part of this development. The property is bounded by single-family residential uses to the south and east and along a portion of the property boundary to the northeast. Multi-family residential uses also border the property to the north along North Capitol Avenue. Industrial use is located across North Capitol Avenue to the west.

North Capitol Avenue is a wide arterial street characterized by residential, commercial and industrial uses. The Valley Transportation Authority (VTA) Bus No. 74 travels along North Capitol Avenue and a bus stop is within walking distance of the site. Light rail is currently under construction on North Capitol Avenue in the center median. The future light rail station and a future BART station would be within 2000 feet of the subject property. Northwood Park is located approximately 800 feet to the east of the subject property. Northwood Elementary School is located just north of Northwood Park, within walking distance of the subject property.

A Planned Development Zoning is proposed because Title 20 (City of San Jose Zoning Code) does not provide a residential zoning district that adequately accommodates medium-density townhouse development that is compatible with the proposed development configuration on a long narrow lot.

Project Description

The project proposes 17 single-family attached and detached, for-sale units in a townhouse configuration accessed from both sides of a proposed private drive off of North Capitol Avenue. The proposed 24-foot wide private drive will include a four-foot wide pedestrian sidewalk along its south side.

Each townhouse is two stories in height and reaches a maximum height of 26 feet. Each unit has two covered-parking spaces in a double-car garage configuration, and guest parking is provided in designated parking spaces along the private drive. Each unit has private open space in the form of rear yards.

PUBLIC OUTREACH

Notices of the Negative Declaration and the public hearings before the Planning Commission and City Council were distributed to the owners and tenants of all properties located within 500 feet of the project site and staff has been available to discuss the project with members of the public. A community meeting has not been held for the proposed project. Staff has received three correspondences from neighbors opposed to the project. The primary issues raised by the neighbors are densities, impacts on views, and increased traffic.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed in an Initial Study and a Mitigated Negative Declaration was circulated. Potentially significant impacts include construction related to noise, air quality and water quality impacts that would be mitigated through standard construction measures.

GENERAL PLAN CONFORMANCE

The proposed rezoning is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of *Medium Density Residential (8-16 DU/AC)*. The proposed use is residential and the net density of 16 DU/AC falls within the designated density range. The rezoning proposes infill single-family residential development on a site that has been vacant and considerably underutilized for many years and is consistent with the General Plan objectives of increasing housing supply, revitalizing neighborhoods, maximizing the efficient use of existing infrastructure and transit facilities, and reducing pressure for growth outside the Urban Growth Boundary.

ANALYSIS

The primary issue associated with this proposal is conformance with the Residential Design Guidelines (RDG). The RDG state that townhouses should be developed on a public street. Because of the developer's goal of developing at the high end of the General Plan density range and the particular shape of the subject property, full conformance with the guidelines for the proposal is not feasible. Staff believes, it may be acceptable to approve a project that does not meet all the guidelines; however, the following issues should be addressed; 1) length of garage frontage; 2) perimeter walls and fences; 3) perimeter setbacks.

Garage Frontage

The RDG strongly encourage tandem garages. However, two-car garages are acceptable provided they occupy no more than 50 percent of the total width of the unit. The Guidelines suggest this criteria may be increased to a maximum of 62 percent, but only if the garage is recessed a minimum of five feet behind the living areas at the front of the unit.

The proposed conceptual site plan provides for a standard two-car garage for all 17 units. The total length of the building frontage per unit is approximately 32 feet. The proposed garage is approximately 20 feet in length consisting of approximately 62 percent of the total unit frontage, and extends approximately three feet in front of the living space. Therefore, the proposed garage frontage is not in conformance with the RDG, and staff is recommending that the project be conditioned to require the garage be recessed a minimum of two feet behind the front of the living space. Although the RDG standard is a five-foot recess, staff proposes a compromise with the developer that at least addresses the goal of the RDG to make the living area and entrance more prominent to the private street than the garage.

Perimeter walls and fences

The RDG indicate that fences and walls should be no more than seven feet high, except when adjacent to freeways, expressways, railroads and incompatible uses. Sound attenuation walls should not be used unless they are required by City or State policies for mitigation of unacceptable noise levels and no other alternative is available.

The proposed project includes a seven-foot high perimeter fence along the north, east and south perimeters of the subject property. A six-foot tall sound attenuation wall is proposed along the property's North Capitol Avenue frontage approximately four feet from the edge of the sidewalk. Staff feels the lack of significant landscaped setback area adjacent to the sidewalk and the adjacent soundwall would greatly detract from the pedestrian experience as project residents and others walk to the future light rail station on Capitol. Construction methods are available that utilize sound attenuation in the construction of the building that would significantly reduce the impact of noise within the units and are typically used for this type of project. Including sound attenuation into the construction of the units would eliminate the need for a sound wall in the front landscape setback area except where the new yard of the southern unit fronting on Capitol overlaps with the setback from Capitol Avenue. Staff is recommending the proposed project be conditioned to include the sound attenuation as part of the unit construction and that a sound wall only be constructed for the enclosure of the rear yards of the two units adjacent to North Capitol Avenue. Any soundwall should not be constructed within the front setback area, except for the rear yard of the southern unit.

Perimeter setbacks

As stated in the RDG, the required setback for structures adjacent to a major public street is 35 feet, with the possibility to reduce the setback to 25 feet if the proper sound attenuation is included in the project. The proposed development provides a setback from North Capitol Avenue ranging from 22 feet to 9 feet. Due to the constraints of the subject property's dimensions and size, a required 25-foot setback would not allow for the subject site to be developed at a density considered feasible for the developer. Therefore staff is recommending that the proposed project be conditioned to provide a minimum setback of 10 feet and an average setback of at least 15 feet from North Capitol Avenue.

Conclusion

The applicant has made modifications to the original design of the project per staff's request. A sidewalk was added to the private drive for increased pedestrian circulation. The width of the living space frontage was increased to 12 feet for improved street presence and conformance with the

Residential Design Guidelines. The required amount of private open space is provided, and guest parking is provided per City requirements. Staff had suggested a slight reduction in density to facilitate conformance with the RDG. However, the proposed project could be considered to generally meet minimal RDG standards if it is conditioned to include these three recommendations; 1) the garages be recessed behind the living space by a minimum of two feet; 2) the sound wall be limited to only the rear yards of the two units adjacent to North Capitol Avenue and not constructed within the front setback; and, 3) the building setback from North Capitol Avenue should be a minimum of ten feet.

RECOMMENDATION

Planning Staff recommends that the Planning Commission recommend approval of the proposed Planned Development Rezoning with the three conditions discussed above.

Upon inclusion of these conditions, staff recommends approval of the project for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of *Medium Density Residential: (8-16 DU/AC)*.
2. The project furthers the goals and objectives of the City's infill housing strategies.
3. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

c: Erik Shoennauer, 2066 Clamar Way, San Jose CA 95128